

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

HM COMPOUNDING SERVICES,)
LLC, and HMX SERVICES, LLC,)

Plaintiffs,)

v.)

EXPRESS SCRIPTS, INC.)

Defendant.)

Case No. 4:14-cv-01858 (JAR)

DECLARATION OF JASON HUSGEN

I, Jason Husgen, declare as follows:

1. I am senior counsel at the law firm of Husch Blackwell LLP and am one of the attorneys responsible for representing Express Scripts, Inc. (“Express Scripts”) in this matter. I make this declaration based upon personal knowledge of the facts set forth herein.

2. On November 6, 2018, shortly before 5:00pm Central, Express Scripts filed its supplemental reply memorandum of law in support of its renewed motion for summary judgment. (Doc. 576; “Reply Memorandum”)

3. Express Scripts’ Reply Memorandum has three exhibits attached thereto.

4. In attempting to file these exhibits electronically, Express Scripts repeatedly encountered a CM/ECF Error as to all three Exhibits to its Reply Memorandum, which read in relevant part: “Document is malformed or contains code

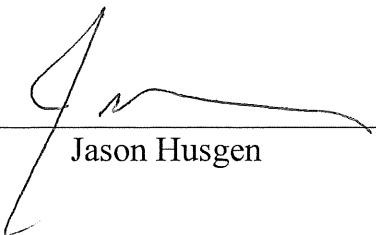
which may cause an external action (such as launching an application). This PDF document cannot be accepted.”

5. The reason for the CM/ECF Error is not clear to Express Scripts, because all three Exhibits are standard-form documents typically accepted by the CM/ECF System.

6. But, as a result of the CM/ECF Error, and in an abundance of caution, Express Scripts is filing placeholders for Exhibits 1-3 to its Reply Memorandum. All three Exhibits will be served on counsel for Plaintiffs via email this evening. And, due to the CM/ECF Error, Express Scripts will deliver Exhibit 1-3 to its Reply Memorandum to the Court by hand on the morning of November 7, 2018.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 6th day of November, 2018.



Jason Husgen

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 6th day of November 2018, the foregoing was filed electronically with the Clerk of the Court, to be served by operation of the Court's electronic filing system upon all counsel of record.

/s/ Jason Husgen